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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,236	09/28/2001	Todd W. Pastrick	DON01 P-927	7305

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EXAMINER
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SEMBER, THOMAS M

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/967,236

Applicant(s)

PASTRICK, TODD W.

Examiner

Thomas M Sember

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 107-245 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☒ Claim(s) 172-205 is/are allowed.
- 6) ☒ Claim(s) 107-114, 118-122, 125-147, 151-153, 155, 158-171, 206-213, 217-219, 221 and 224-245 is/are rejected.
- 7) ☒ Claim(s) 154 and 220 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 115-117, 123, 124, 148-150, 156, 157, 180-182, 188, 189, 214-216, 222 and 223.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 115-117, 123, 124, 148-150, 156, 157, 214-216 and 22-223 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

### ***Terminal Disclaimer***

The applicant indicates in their response that a terminal disclaimer was filed on 02/24/03, however no such disclaimer was received. The applicant kindly ask applicant to send of a copy of the terminal disclaimer in applicant's next response to the office action.

### ***Claim Rejections - 35 USC § 112***

2. Claims 121 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 121 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are the floodlight is not structurally connected to the other elements claimed.

As best understood the following rejections apply:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 107-111, 118, 121, 128, 134-135, 141-144, 147, 151, 161, 167-168, 171, 206-210, 213, 217, 227, 233, 234 and 240-245 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP- 61-188242 in view of Tran. JP-61-188242 discloses the claimed invention except for the teaching that the light source is a turn signal lighting assembly. JP 61-188242 discloses a rearview mirror signal light assembly positioned on a side of a vehicle. The turn assembly includes a light source that radiates light rearwardly along a light-radiating axis which extends away from the passenger compartment of the vehicle when operated on the vehicle. The turn signal assembly 34 is fixedly mounted in the exterior mirror assembly separate from the reflectance element 8 whereby movement of the reflectance element is independent of the turn signal assembly. The turn signal assembly 34 further includes at least one louver 46, configured to shield the driver from light radiated by the light sources. As broadly claimed, the light source's radiating axis is at an angle of at least approximately 15, 20, 25 or 45 degrees from a longitudinal axis of the vehicle. As broadly claimed, the plastic enclosure would have a heat distortion temperature of at least 80 degrees Celsius. Tran teaches that it is well known in the mirror illumination art to provide a turn signal

light assembly in a mirror assembly for warning motorist that the vehicle is turning. It would have been obvious to one skilled in the art at the time the invention was made to connect the mirror light of JP-61-188242 to the vehicle's turn signal circuitry as taught by Tran in order to warn vehicles that the driver is turning.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 107-111, 118, 121, 128, 134-135, 141-144, 147, 151, 161, 167-168, 171, 206-210, 213, 217, 227, 233, 234 and 240-245 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 3635473 in view of Tran. DE 3635473 discloses the claimed invention except for the teaching that the light source is a turn signal lighting assembly. DE 3635473 discloses a rearview mirror signal light assembly positioned on a side of a vehicle. The turn assembly includes a light source that radiates light rearwardly along a light-radiating axis which extends away from the passenger compartment of the vehicle when operated on the vehicle. The turn signal assembly 11 is fixedly mounted in the exterior mirror assembly separate from the reflectance element 4 whereby movement of the reflectance element is independent of the turn signal assembly. The turn signal assembly 11 further includes at least one louver 12, configured to shield the driver from light radiated by the light sources. As broadly claimed, the light source's radiating axis is at an angle of at least ***approximately*** 15, 20,

25 or 45 degrees from a longitudinal axis of the vehicle. Tran teaches that it is well known in the mirror illumination art to provide a turn signal light assembly in a mirror assembly for warning motorist that the vehicle is turning. It would have been obvious to one skilled in the art at the time the invention was made to connect the mirror light of DE 3635473 to a vehicle's turn signal circuitry as taught by Tran in order to warn vehicles that the driver is turning.

***Claim Rejections - 35 USC § 103***

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 112-114, 119-120, 125-127, 136-140, 145, 146, 152-153, 158-160, 169-170, 211-212, 218, 219, 224-226 and 235-239 are rejected under 35 U.S.C. 103(a) as being unpatentable over (JP- 61-188242 or DE 3635473) in view of Tran as applied in claims 107-111, 118, 121, 128, 134-135, 141-144, 147, 151, 161, 167-168, 170, 206-210, 217, 227, 233, 234, 238 and 243-245 further in view of Roberts. (JP 61-188242 or DE 3635473) in view of Tran as applied in claims 107-111, 118, 121, 128, 134-135, 141-144, 147, 151, 161, 167-168, 170, 206-210, 217, 227, 233, 234, 238 and 243-245 discloses the claimed invention except for the colored filtering means and the leds. Roberts teaches that various colored filtering means can be used with LEDs or other light sources for efficiently transmitting a desired light beam LEDs. It would have been obvious to one skilled in the art to use various colored filters, or colored filtered LEDs, or regular LEDs with the lighting assembly of (JP 61-188242 or DE 3635473) in

order to provide a desired light beam to warn other motorist that the vehicle is present. Furthermore, LEDs are well known in the art over other conventional light source because they are highly efficient, last longer and use less power than other conventional low voltage light sources.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

III. Claims 122, 155 and 221 are rejected under 35 U.S.C. 103(a) as being unpatentable over (JP- 61-188242 or DE 3635473) in view of Tran as applied in claims 107-111, 118, 121, 128, 134-135, 141-144, 147, 151, 161, 167-168, 170, 206-210, 217, 227, 233, 234, 238 and 243-245 further in view of Roberts. (JP 61-188242 or DE 3635473) in view of Tran as applied in claims 107-111, 118, 121, 128, 134-135, 141-144, 147, 151, 161, 167-168, 170, 206-210, 217, 227, 233, 234, 238 and 243-245 discloses the claimed invention except for the electrochromic reflectance element. Roberts teaches an electrochromic reflectance element for reflecting and transmitting certain wavelengths of light. It would have been an obvious to one skilled in the art at the time the invention was made to use the a electrochromic reflectance element of Robert for the mirror (JP 61-188242 or DE 3635473) in order to reflect and transmit certain wavelengths of light



***Claim Rejections - 35 USC § 103***

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

V. Claims 129-133, 162-165 and 228-232 are rejected under 35 U.S.C. 103(a) as being unpatentable over (JP- 61-188242 or DE 3635473) in view of Tran as applied in claims 107-111, 118, 121, 128, 134-135, 141-144, 147, 151, 161, 167-168, 170, 206-210, 217, 227, 233, 234, 238 and 243-245 further in view of Roberts. (JP 61-188242 or DE 3635473) in view of Tran as applied in claims 107-111, 118, 121, 128, 134-135, 141-144, 147, 151, 161, 167-168, 170, 206-210, 217, 227, 233, 234, 238 and 243-245 discloses the claimed invention except for the the photosensor. Suman teaches a photosensor which is positioned in an illuminated lighting assembly for automatically turning a light source on and off. It would have been an obvious to one skilled in the art to use a photo sensor in the mirror assembly of Suman in the mirror assembly of (JP- 188242 or DE 3635473) in order to automatically turn the light source on and off during darkening conditions.

***Allowable Subject Matter***

4. Claims 154 and 220 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 172-205 are allowed.

***Response to Arguments***

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



Thomas M Sember  
Primary Examiner  
Art Unit 2875

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